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MEMO ENDORSED

February 9, 2011

Via PDF E-MAIL

Hon. Richard J. Sullivan
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007
sullivannysdchambers@nysd.uscourts.gov

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Re: *Federal Insurance Company v. The Estate of Irving Gould, et al.*
Case No. 10-cv-01160-RJS (ECF)

Dear Judge Sullivan:

We are counsel for Third-Party Defendant Travelers Casualty and Surety Company (“Travelers”) in the referenced action. On December 1, 2010, the Court entered a memo-endorsed order directing the parties in this matter to advise Your Honor whether they believe that a mediation, prior to the Court’s ruling on the pending motions, will be productive.

The parties have conferred and disagree as to whether it would be productive to schedule mediation prior to the Court’s rulings on the pending motions. The director and officer Defendants are prepared to mediate before the motions are decided, but Travelers and Plaintiff Federal Insurance Company do not believe that mediation at this point is likely to be fruitful. Obviously all of the parties are prepared to participate in good faith in any mediation that the Court may direct.

Pursuant to Your Honor’s practice rules, please be advised that this is the third request for adjournment of the scheduling of mediation. An initial request for adjournment was made by the

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Defendants and was granted by Your Honor in the October 4, 2010 Order; a Second request was made on behalf of all of the parties and was granted by Your Honor on December 1, 2010.

Respectfully submitted,

James Sandnes

cc: All counsel

This request is granted. The parties shall schedule mediation after the pending motions are fully submitted and resolved.

4817-3243-5976. v. 1

SO ORDERED
Dated:

RICHARD J. SULLIVAN
U.S.D.J.

2/10/11